IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 8718 of 1989

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VASHRAMBHAI N CHAVDA - Petitioner(s)

Versus

STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :

MR JA ADESHRA for Petitioner(s) : 1,
MR VM PANCHOLI, AGP for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2 - 5.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 20/10/2005

ORAL JUDGMENT

1. This petition is filed under Article 227 of the Constitution of India against the judgment and order dated 27th October, 1989, passed by the learned District Judge, Ahmedabad (Rural) at Mirzapur in Civil Appeal No.5 of 1986 which is filed under the Gujarat Public

Premises (Eviction of Unauthorised Occupants) Act, 1972.

2. Heard Mr.Adeshra, learned advocate for the petitioner and Mr.V.M.Pancholi, Learned AGP for the respondent.

3. The facts giving rise to this petition are as under:-

3.1 That the petitioner retired as Assistant Director of Information, Gujarat State, on 31.8.1978. He re-employed as Regional Manager, Tourism Corporation, Gujarat State between 1.9.1978 to 31.8.1981. Thereafter Eviction Case No.122 of 1981 was filed by the respondent authority on 22.4.1981 to recover possession of the premises allotted to the petitioner and for recovering arrears of rent (economic rent) of Rs.1185/- under the provisions of the Gujarat Public Premises (Eviction of Unauthorised Occupants) Act, 1972.

3.2 Thereafter on 2.9.1983 the petitioner was ordered to hand over vacant possession of the premises and paid up economic rent at the rate of Rs.197.50 p.m., upto 2.9.1983. The respondent No.1 has passed the order on

10.9.1985 in Eviction Case No.122 of 1981. Thereafter the learned District Judge, Ahmedabad (Rural) at Mirzapur has dismissed the Civil Appeal No.5 of 1986 on 27.11.1989 filed by the petitioner.

4. I have gone through the judgment of the appellate authority. The appellate authority, while considering the case of the petitioner and contention raised by the petitioner before the appellate authority has completely dealt with all the contentions in paragraphs 5, 6, 7 and 8 of the impugned judgment. In my view, the view taken by the appellate authority is just and proper. No second view is possible, and even if second view is possible, the conduct of the petitioner is not called for any interference under Article 227 of the Constitution of India.

5. In that view of the matter, the petition deserves to be dismissed and the same is dismissed. Rule is discharged with no order as to costs.

(K.S. Jhaveri, J.)

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